

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

* * * * * CR NO. 16-111-WES

UNITED STATES OF AMERICA

VS.

JUNE 7, 2017

RAFAEL P. LEAL

* * * * * PROVIDENCE, RI

BEFORE THE HONORABLE WILLIAM E. SMITH

CHIEF JUDGE

(Change of Plea Hearing)

APPEARANCES:

FOR THE GOVERNMENT:

JOHN P. McADAMS, AUSA
U.S Attorney's Office
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Providence, RI 02903

FOR THE DEFENDANT:

OLIN W. THOMPSON, AFPD
Federal Defender's Office
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Court Reporter:

Denise P. Veitch, RPR
One Exchange Terrace
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1 7 JUNE 2017 -- 11:00 A.M.

2 THE COURT: Good morning. This is the matter of
3 the United States versus Rafael Leal. We're here for a
4 change of plea this morning. Let's have counsel
5 identify themselves for the record, please.

6 MR. McADAMS: Good morning, your Honor. John
7 McAdams on behalf of the United States.

8 MR. THOMPSON: Good morning, your Honor. Olin
9 Thompson for Mr. Leal. I'm standing in today for Kevin
10 Fitzgerald. He's in a hearing before Judge McConnell
11 this morning.

12 THE COURT: Very well.

13 All right. Mr. Leal, would you please stand up
14 and be sworn in by the clerk.

15 (Defendant sworn)

16 THE CLERK: Please state your name and spell
17 your last name for the record

18 THE DEFENDANT: Rafael, last name L-e-a-l.

19 THE CLERK: Thank you.

20 THE COURT: All right. Mr. -- is it Leal? Is
21 that how you pronounce it?

22 THE DEFENDANT: It's Leal ("lay-AL").

23 THE COURT: Leal.

24 THE DEFENDANT: Yes.

25 THE COURT: All right. Mr. Leal, you've been

1 sworn in by the clerk, and I'm going to ask you a
2 series of questions. You're expected to answer my
3 questions truthfully. If you fail to answer my
4 questions truthfully it could lead to additional
5 charges against you for perjury or making a false
6 statement. Do you understand that?

7 THE DEFENDANT: Yes, I do, your Honor.

8 THE COURT: Okay. State your name again,
9 please.

10 THE DEFENDANT: Rafael Leal.

11 THE COURT: How old are you?

12 THE DEFENDANT: I'm 39.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: I went all the way to college.

15 THE COURT: And where was that?

16 THE DEFENDANT: In Brazil.

17 THE COURT: Brazil?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. Have you been treated
20 recently for any mental illness or addiction to
21 narcotic drugs of any kind?

22 THE DEFENDANT: No.

23 THE COURT: Are you currently under the
24 influence of any drugs or alcohol of any kind?

25 THE DEFENDANT: No, I'm not.

1 THE COURT: Have you received a copy of the
2 Government's charge against you, the document that is
3 labeled Indictment?

4 THE DEFENDANT: Yes, I did.

5 THE COURT: And do you feel you understand the
6 nature of the Government's charges against you?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: Okay. Now, you do not have a plea
9 agreement in this case; is that right?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. All right. So have you had
12 an opportunity to discuss the charges against you and
13 the consequences of pleading guilty with your attorney,
14 Mr. Fitzgerald, and/or Mr. Thompson?

15 THE DEFENDANT: Yes, I did.

16 THE COURT: Were they able to answer all of your
17 questions to your satisfaction?

18 THE DEFENDANT: Yes, they did.

19 THE COURT: About both the charge and about the
20 decision to plead guilty?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Now, are you fully
23 satisfied with all of the representation that you've
24 received in this case from Mr. Thompson and
25 Mr. Fitzgerald?

1 THE DEFENDANT: Yes, I am.

2 THE COURT: Now, has anyone made any promises to
3 you in order to get you to plead guilty in this case?

4 THE DEFENDANT: No, they did not.

5 THE COURT: Has anyone threatened you in any way
6 to get you to plead guilty in this case?

7 THE DEFENDANT: No, they did not.

8 THE COURT: Is your decision to plead guilty
9 your own decision that you're making because you think
10 it's in your best interest to do so?

11 THE DEFENDANT: Yes, it is.

12 THE COURT: All right. Now, you said that you
13 were educated in Brazil. Are you a United States
14 citizen or not?

15 THE DEFENDANT: No. I have the green card.

16 THE COURT: You have a green card?

17 THE DEFENDANT: Yes.

18 THE COURT: So you understand that your plea of
19 guilty in this case may have immigration consequences
20 for you?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. And you've discussed
23 that fully with your attorneys?

24 THE DEFENDANT: Yes, I did.

25 THE COURT: All right.

1 Now, Mr. McAdams, do you have the statutory
2 maximum penalties --

3 MR. McADAMS: Yes, your Honor.

4 THE COURT: -- that you could put on the record
5 for me, please.

6 MR. McADAMS: Yes, your Honor.

7 Your Honor, Count I of the indictment charges
8 the Defendant with using the mail and means of
9 interstate and foreign commerce to coerce or entice a
10 minor into engaging in illegal sexual conduct in
11 violation of Title 18 United States Code
12 Section 2422(b). The maximum penalties for that
13 offense are a minimum of 10 years imprisonment up to a
14 maximum of life in prison, a \$250,000 fine, a \$100
15 special assessment, plus there is a special victim
16 special assessment which is mandatory in the amount of
17 \$5,000 if the Court determines the Defendant is not
18 indigent. The Defendant is obviously represented by
19 the Federal Defender in this case, so there's been a
20 preliminary finding that he is indigent.

21 With respect to Count II, the Defendant is
22 charged with traveling in interstate commerce for the
23 purpose of engaging in illicit sexual conduct with a
24 minor in violation of Title 18 United States Code
25 Section 2423(b). The maximum penalty for that offense

1 is 30 years imprisonment, a \$250,000 fine, a \$100
2 mandatory special assessment, plus the same \$5,000
3 special victims assessment if the Court determines that
4 the Defendant is not indigent. Both offenses carry up
5 to a period of lifetime supervised release.

6 THE COURT: Thank you. All right.

7 So, Mr. Leal, the maximum penalties in this
8 case, you just heard them set off by Mr. McAdams, but
9 if the penalties were imposed consecutively, back to
10 back, and what that means is a maximum term of life
11 plus 30 years of imprisonment, lifetime supervised
12 release, special assessments of essentially \$10,200,
13 assuming you're adjudged to be not indigent, and a fine
14 of \$500,000. Do you understand those are the maximum
15 penalties that could be imposed under the law?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: All right. Now, you understand what
18 supervised release is?

19 THE DEFENDANT: Not really.

20 THE COURT: Do you know what probation is?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: All right. Supervised release is
23 like probation. It's a period of time that follows any
24 period of incarceration during which there would be
25 conditions that you would be required to comply with.

1 Now, in your case supervised release, if there is a
2 period of supervised release, would be an extended
3 period of time. It could go up to a period of life.
4 The conditions could be very extensive and failure to
5 comply with any of those conditions would result in
6 additional time in prison for you. Do you understand
7 that?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And one of those conditions would
10 likely be that if you were to be deported you would not
11 be able to return to the United States, and so what
12 that would mean is if you were to return without
13 permission then you would be incarcerated. Do you
14 understand that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: All right. Now, you understand the
17 special assessments that I just mentioned and that
18 Mr. McAdams put on the record. In this case there's
19 both the standard special assessments of \$100 per
20 count, but then there's an additional special
21 assessment of \$5,000 per count. Those special
22 assessments are mandatory, they're not discretionary on
23 the Court, which means that I must impose them on you.
24 Do you understand that?

25 THE DEFENDANT: Yes, I do.

1 MR. THOMPSON: Judge, I'm sorry, just for the
2 record, we're not agreeing that the \$5,000 on each
3 count is mandatory. Your Honor does have to make a
4 finding --

5 THE COURT: Of non-indigency.

6 MR. THOMPSON: -- of non-indigency to impose
7 that.

8 THE COURT: And I should have said that, and
9 you're corrected in saying that, so thank you.

10 There's also in this case a minimum mandatory
11 term of imprisonment of 10 years, which means that
12 regardless of any other factors the sentence can't be
13 less than 10 years, and you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Now, have you spoken to Mr. Thompson
16 or Mr. Fitzgerald about the federal sentencing
17 guidelines and how they work and how they may apply in
18 this case?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. So let me ask you a few
21 questions about that just to make sure you understand
22 how the guidelines work. First of all do you
23 understand that the federal sentencing guidelines are
24 advisory, not mandatory. What that means is that I
25 have to give consideration to the guidelines, but I'm

1 not required to follow them; so, as a practical matter,
2 that means the sentence in this case may be within the
3 guideline range that applies, or it could be higher, it
4 could be lower. Now, if the sentence I impose is
5 higher than the guideline range or higher than what you
6 thought it was going to be or what anyone told you to
7 expect for whatever reason, you don't get to take back
8 your plea of guilty once you enter it today. Do you
9 understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: You also understand that anything
12 you've been told about how the guidelines apply are
13 only estimates. We won't know exactly how the
14 guidelines apply to your case until the Office of
15 Probation conducts its presentence investigation and
16 issues its report. You'll have a chance to read that
17 report along with your attorneys and file any
18 objections that you believe are appropriate. Once I
19 rule on those objections and accept the report, that's
20 when we know how the guidelines apply. So once again,
21 if it turns out that the actual guideline applications
22 are different than what you were told to expect, you
23 don't get to take back your plea of guilty once you
24 enter it today. Do you understand all that?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: Now, you understand there's no such
2 thing as parole in the federal system, and what that
3 means is whatever sentence you receive, that's the
4 sentence you'll actually serve. Do you understand
5 that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: You also understand that under some
8 circumstances either you or the Government may have the
9 right to appeal the sentence I impose if, for example,
10 you believe that the sentence I impose is illegal or
11 unfair for any reason. Do you understand that?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Now, you have a number of very
14 important constitutional rights that you give up by
15 entering a plea of guilty. I'm going to go through
16 those rights with you now just to make sure you
17 understand what it is that you're giving up.

18 First of all you have the right to plead not
19 guilty to the offenses that you're charged with and to
20 persist in that plea to a trial. A trial could be
21 before a judge or a jury. Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: In a trial you would be presumed to
24 be innocent of the charges against you, and it would be
25 the Government's burden to prove your guilt beyond a

1 reasonable doubt. Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: And at trial you would have the
4 right to see and hear all witnesses who would testify
5 against you and to have them cross-examined by your
6 attorney and to otherwise be represented by an attorney
7 throughout the trial. Do you understand that?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: And at trial you would have the
10 right to testify on your own behalf if you wished to do
11 so, or you could exercise your constitutional right to
12 remain silent and not testify. If you chose to remain
13 silent and not testify, the Government would not be
14 permitted to use your silence against you to try to
15 prove your guilt. Do you understand that?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Finally, at trial you would have the
18 right to use the power of the court to obtain documents
19 or other items of evidence or compel witnesses to come
20 to court and testify if you thought any of that would
21 be helpful to your defense. Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: By entering this plea of guilty
24 today, you're giving up each and every one of these
25 constitutional rights that I just described to you and

1 you're saying to me that you do not want a trial in
2 this case. Is that what you want to do?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Okay. All right. I'm going to ask
5 Mr. McAdams now to come forward. He's going to put on
6 the record the legal elements the Government must prove
7 in order to prove you guilty of these charges, and then
8 he's going to set forth the facts that the Government
9 says it would prove if this case were to go to trial.
10 I want you to listen carefully to the facts that he
11 describes because when he's done I'm going to ask you
12 if you agree that those are the facts of this case.
13 You can sit down while he does this.

14 MR. McADAMS: Thank you, your Honor.

15 Your Honor, as I indicated before, Count I is
16 the offense of using means of interstate commerce to
17 entice an individual under the age of 18 to engage in
18 illicit sexual activity. There are four elements to
19 that offense: The first is that the Defendant
20 knowingly persuaded, induced, enticed or coerced the
21 person in question to engage in sexual activity; the
22 second element is that he did so by using a facility or
23 means of interstate or foreign commerce; the third is
24 that the person at the time was less than 18 years old;
25 and the fourth element is that the sexual activity was

1 a criminal offense. The criminal offense is defined by
2 state law. In Rhode Island the age of consent is
3 16 years old. Sexual intercourse between a person over
4 the age of 18 and a person between the ages of 14 and
5 16 is third-degree sexual assault, which is a felony
6 offense.

7 Count II is traveling in interstate or foreign
8 commerce for the purpose of engaging in illicit sexual
9 conduct as defined in Title 18 USC Section 2423(f),
10 that is, sexual contact with a minor. The elements of
11 Count II are: (1) that the Defendant traveled in
12 interstate commerce; (2) that the Defendant's purpose
13 in traveling in interstate commerce was to engage in a
14 sexual act with an individual he believed was under the
15 age of 18; and (3) that the intended sexual act would
16 have been a violation of federal criminal law. A
17 sexual act would be in violation of federal law if it
18 includes contact between a mouth and penis, the mouth
19 and vulva, or the mouth and anus; or the intentional
20 touching, not through the clothing, of the genitalia of
21 another person who has not attained the age of 16 years
22 with an intent to abuse, humiliate, harass, degrade, or
23 arouse or gratify the sexual desire of any person.

24 Had the case proceeded to trial, the Government
25 would have proven the following beyond a reasonable

1 doubt: On October 22nd, 2016, at approximately
2 4:15 p.m. Bristol Police Officer Tyler Carreiro was on
3 routine patrol near the Bristol Town Beach and the area
4 of the East Bay Bike Path. Officer Carreiro noticed a
5 vehicle running with windows foggy and what appeared to
6 be people moving inside, one on top of the other. The
7 vehicle bore Massachusetts license plates.

8 Officer Carreiro knocked on the driver side window and
9 instructed the person in the driver seat to lower the
10 window. The operator failed to comply. The officer
11 knocked several more times before the passenger window
12 was lowered, and the officer went to that side. He
13 observed the Defendant in the driver's seat pulling up
14 his pants. The Defendant was sweating and appeared
15 startled.

16 The other occupant of the vehicle was later
17 identified to be a 14-year-old female whose identity is
18 known to the investigation and whom I will refer to as
19 "Minor Victim." Minor Victim had her shirt partially
20 on and appeared to be putting her breasts back into her
21 bra and pulling her shirt up to her shoulders.
22 Minor Victim appeared nervous and curled up in the
23 fetal position facing away from the officer.

24 Mr. Leal was asked what they were doing, and he
25 stated "fooling around." He was asked if they had

1 engaged in sexual intercourse and stated "no." He was
2 asked if Minor Victim was performing sex on him, and he
3 stated "Yeah, we are just fooling around, we are
4 friends." The Defendant was asked how old the Minor
5 Victim is, and he stated "19" and then said "18." He
6 stated that he has known Minor Victim for four months
7 and they met on Instagram.

8 Minor Victim initially gave a date of birth
9 without a year when she was asked, and then said "1997"
10 and then changed it to "1998." The officers asked
11 Minor Victim if she would exit the vehicle so that they
12 could speak to her without Mr. Leal present. Minor
13 Victim then talked to the officers while seated in the
14 cruiser door (sic) and stated that she was born in
15 2002, "I am 14." Minor Victim was asked if she was
16 okay and did not answer. She was asked if she had been
17 touched inappropriately and began to cry. She stated
18 that she had just engaged in sexual intercourse with
19 Mr. Leal. Minor Victim stated that he touched her
20 vagina with his tongue, fingers and penis. When asked
21 if she was penetrated, Minor Victim stated yes by all
22 three. The Minor Victim stated that she had had sexual
23 intercourse with Mr. Leal on multiple occasions in
24 Bristol.

25 Mr. Leal was placed under arrest and transported

1 to Bristol police headquarters. Minor Victim was
2 transported to police headquarters and interviewed with
3 the consent of her parents.

4 Minor Victim stated in substance that she'd met
5 Mr. Leal on Instagram in approximately June of 2016.
6 They also communicated on Snapchat, Kik, and via text
7 message. Minor Victim communicated with Mr. Leal
8 almost every day during the summer through text
9 message.

10 Minor Victim met Leal through a group called
11 DDLG which she explained means "Daddy Dom Little Girl,"
12 a community where daddies can meet young girls on a
13 variety of social media. Minor Victim told the
14 Defendant that she's only 14 years old on numerous
15 occasions.

16 Minor Victim first met Mr. Leal in person in
17 Warren, Rhode Island. At the initial meeting the
18 Defendant knew that Minor Victim was 14 and Minor
19 Victim knew that Mr. Leal was 38 years old at the time.
20 Sexual contact did not occur on the first meeting.
21 Minor Victim stated that she did not want the
22 relationship to be sexual but it eventually turned that
23 way.

24 Minor Victim stated she had sexual intercourse
25 with Leal four times. The first sexual encounter

1 occurred in Leal's car in the parking lot of a middle
2 school in Warren, Rhode Island, shortly after the 4th
3 of July. Mr. Leal flipped her over, took off her
4 underwear and put his penis in her vagina. The second
5 sexual encounter occurred at Colt State Park in Bristol
6 on an unknown date in the summer of 2016. Mr. Leal
7 took Minor Victim to the movies and the mall and then
8 took her to Colt State Park. She fell asleep in the
9 car and awoke to him kissing her. He took out his
10 penis and tried to insert it in her vagina, but he was
11 unable to maintain an erection.

12 Minor Victim stated that on or about October 16,
13 2016, Mr. Leal again attempted to have sex with her but
14 was unable to maintain an erection. Minor Victim
15 stated that on October 22nd, 2016, the date that led to
16 the arrest, Mr. Leal had picked her up in Warren and
17 drove her to Colt State Park, he took off her pants and
18 underwear, got on top of her and put his penis inside
19 her vagina.

20 Upon arriving at Bristol police headquarters,
21 Mr. Leal was processed, read his Miranda rights, and
22 agreed to waive his rights and speak with police
23 regarding the incident. He said in sum and substance
24 that he lives in Boston, Massachusetts, that he met
25 Minor Victim on Instagram, he came across her profile

1 and sent her a message to talk in approximately June of
2 2016. He texted with the Minor Victim and provided her
3 cell phone to the officers -- her cell phone number to
4 the officers. He claimed that he asked Minor Victim
5 how old she was several times and that she always told
6 him she was 18. He stated that he first met the victim
7 in Rhode Island -- excuse me -- in Warren, Rhode Island
8 in July of 2016 in person. They arranged the meeting
9 through Instagram.

10 Mr. Leal described meeting with Minor Victim on
11 several occasions. He traveled from Massachusetts and
12 picked her up in Warren and took her to Providence
13 Place Mall, a middle school in Warren, and Colt State
14 Park on different occasions. He was not sure what the
15 dates were.

16 Mr. Leal stated that he penetrated Minor
17 Victim's vagina with his fingers and that he had sexual
18 intercourse with Minor Victim on three occasions, but
19 on two occasions he had problems penetrating because of
20 erectile dysfunction. Mr. Leal stated that he was able
21 to become erect on October 22nd and had intercourse
22 with Minor Victim before the police arrived.

23 Numerous text messages between Mr. Leal and the
24 Minor Victim were obtained from Minor Victim's phone
25 and the Defendant's phone. The texts demonstrate that

1 Mr. Leal sent gifts to Minor Victim, including Beats
2 earbuds, and also asked for videos and pictures to be
3 sent via Snapchat and other social media including Kik.
4 In some instances Mr. Leal suggested the minor send
5 pictures of herself sucking on a pacifier.

6 The following is a small sample of text messages
7 sent to Minor Victim by the Defendant: "My first night
8 with you, you will wear a night dress for daddy."

9 "I'd take the paci out, kiss you, give you back
10 the paci, and play with your hair till you fall asleep.
11 Then when you wake up daddy would give you a million
12 kisses and have your favorite dinner ready for you.
13 Then I'd feed you everything and have your favorite
14 drink with your sip cup."

15 "I like the pic better with the binky. That
16 made me really happy and melt my heart."

17 "You know that daddy will kiss you all night
18 long nonstop when we sleep together for the first time.
19 I will kiss you in every single part of your little
20 girl body, specifically the booty."

21 "You better not, or daddy will spank the booty."

22 "But I see that you have to make yourself call
23 me daddy dude, not cool at all. It should be natural
24 for you to call me daddy all the time."

25 "I keep asking if I'm the one you really want

1 because you are only 14. I kinda have to ask that
2 myself."

3 "Because if you were a 25 year old I'd had
4 dumped you a long time ago, but age for me is just a
5 number."

6 "One stupid mistake can ruin all we have now."

7 "I'm not losing you, and it is up to us to be
8 very careful."

9 "Make sure when you print you're alone in the
10 house."

11 "Maybe I'm wrong, but I feel that you have a
12 problem when I ask you to blow me or play with me."

13 "Don't ever say yes if your guys or guy friends
14 ask you out, ever. Don't ever say yes if a guy friend
15 wants you to go watch a movie at his house or take you
16 to the movies, ever. Maybe you're not ready for a
17 daddy like me. That's y." (Sic)

18 "Yesterday when I kinda choke you, I really like
19 it. Was my first time. I'm not a virgin on that
20 anymore."

21 After he was arrested, the Defendant was
22 detained. He sent a letter to the Minor Victim from
23 the Wyatt facility addressed to a nickname for the
24 defendant -- for the victim. Excuse me. The letter
25 was intercepted by the victim's parents, who provided

1 it to law enforcement. Among other things the letter
2 from Mr. Leal stated:

3 "You are only mine, just for me, so no one is
4 allowed to have you. You are my property. You belong
5 to me, me, me. Don't even think about anyone else.
6 That's not going to happen, period."

7 "When I get my sentence, after I serve it, I
8 will be most def send back to Brazil, and since you
9 belong and you are my property, you are gonna come with
10 me."

11 The Defendant also directed the victim to
12 provide a different address where Leal could contact
13 her and instructed the victim not to use her real name
14 when communicating with him, and provided a form of a
15 code in which he suggested that she write letters to
16 him.

17 Finally, your Honor, the Indictment does contain
18 a forfeiture count, and it is the Government's
19 intention to forfeit the smartphone that was seized
20 from the Defendant on the day of his arrest.

21 Thank you.

22 THE COURT: Thank you, Mr. McAdams.

23 Mr. Leal, would you please stand up. All right.
24 Mr. Leal, did you listen carefully to the facts that
25 Mr. McAdams stated were the facts that the Government

1 would prove if this case were to go to trial?

2 THE DEFENDANT: Yes, I did, your Honor.

3 THE COURT: Do you agree that those are all the
4 facts of this case?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Is there anything that he said or
7 described in his recitation of facts that you believe
8 is untrue or incorrect for any reason at all?

9 THE DEFENDANT: No.

10 THE COURT: I'm going to ask you now how you
11 wish to plead to the charges against you, guilty or not
12 guilty.

13 THE DEFENDANT: Guilty.

14 THE COURT: It is the finding of this Court in
15 the case of the United States versus Rafael Leal that
16 the Defendant is fully competent and capable of
17 entering an informed plea, that the Defendant is aware
18 of the nature of the charges against him and the
19 consequences of his plea, that his plea of guilty is a
20 knowing and voluntary plea supported by an independent
21 basis in fact containing each of the essential elements
22 of the offense. His plea is therefore accepted. He is
23 hereby adjudged guilty of those offenses.

24 Sentencing in this case will be set down for
25 September 11, 2017 at 9:30 a.m. In the meantime,

1 Mr. Leal, the Probation Office will be preparing a
2 presentence investigation report that I'll utilize for
3 purposes of sentencing, and I encourage you to
4 cooperate with the Probation Office in the preparation
5 of that report.

6 All right. Is there anything further that we
7 need to take up?

8 MR. McADAMS: Nothing from the Government.

9 MR. THOMPSON: No. Thank you, Judge.

10 THE COURT: We'll be in recess.

11 (Adjourned)
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C E R T I F I C A T I O N

I, Denise P. Veitch, RPR, do hereby certify
that the foregoing pages are a true and accurate
transcription of my stenographic notes in the
above-entitled case.

/s/ Denise P. Veitch
Denise P. Veitch, RPR

January 19, 2018
Date